



## basic education

Department:  
Basic Education  
REPUBLIC OF SOUTH AFRICA

### **ADDITIONAL ANNEXURE 2: DBE Response to the Ministerial Task Team Report on alleged posts for sale**

*25 April 2016*

#### **1. GENERAL EMPLOYMENT CONTEXT**

- 1.1 Appointments into all posts is important, but current trends around the number of new school principals appointed (and appointment of middle managers in schools) point to very specific risks and opportunities for the schooling system. The schooling system is currently experiencing a surge in the retirement of school principals because of an increase in the number of principals reaching retirement age. Whilst in 2008 approximately 400 school principals were retiring, the figure for 2017 is expected to be 1 500, implying a fourfold growth in appointments.
- 1.2 If one adds to this the fact that school principals have in the past tended to stay longer in one school, on average ten (10) years, it becomes clear that currently the schooling system is at a critical juncture. If the administration ensures that good people enter principal posts, this can put schools on a 'winning trajectory'. However, if the administration allows the wrong people to fill principal posts, because nepotistic or corrupt practices are not stopped, or because appointment processes fail to identify who would make a good principal, educational transformation will be tragically delayed.
- 1.3 Similar things can be said about other management posts in schools, specifically those of deputy principals and heads of department.

#### **2. THE IMPORTANCE OF SHORT-TERM MEASURES**

- 2.1 There is a need to strengthen accountability in education, with a special emphasis on short-term measures, by ensuring that –
  - (a) we take control as an employer of appointing the most suitable teachers in terms of qualifications, skills, attributes, and ability. We do this, by establishing interviewing and appointment panels that are independent, that would be vetted regularly, and that would undergo training on appointment procedures and requirements for posts in education;
  - (b) the changes to appointment procedures, require large-scale advocacy of parent and school communities, so that everyone is informed of the changes; and

- (c) we protect the integrity of the appointment procedures by setting up a dedicated call centre, where any irregular activities can be reported with a short-term turnaround response.

### **3. STANDARDS AND ACCOUNTABILITY**

#### **3.1 *Standards for Principals***

- (a) A national policy on standards for principals has been developed (Government Notice 323 of 2016). The policy provides for a framework of processes and programmes for developing the leadership and management skills of principals by acknowledging the need for principals to be professional, prudent, innovative and resourceful in managing their schools. These are based upon an agreed understanding of the core purposes of a principal's leadership role, the key areas of such a role, the values which underpin them, and the personal and professional qualities required to fulfil their roles. The key areas referred to in the standards document are in line with the core purpose and responsibilities of the principal as set out in sections 16 and 16A of the South African Schools Act, (No 84 of 1996), paragraph 4.2 of Chapter A of the Personnel Administrative Measures, and the relevant appraisal system.
- (b) The standards provide a clear role description for school leaders and set out what is required of the principal. Principals – working with school management teams (SMTs), school governing bodies (SGBs), representative councils of learners (RCLs), and wider communities – must effectively manage, support and promote the best quality teaching and learning, the purpose of which is to enable learners to attain the highest levels of achievement for their own good, the good of their community, and the good of the country as a whole.
- (c) The Department of Basic Education (DBE), with the Provincial Education Departments (PEDs), has identified differentiated developmental needs for professionalising principals and for the development of their role. These are:
  - (i) enhancement of the skills and proficiency levels of principals;
  - (ii) improvement of the procedures for recruiting and selecting principals;
  - (iii) induction and mentoring of principals; and
  - (iv) professional preparation of principals.

#### **3.2 *Performance Management***

- (a) The NDP says:

- (i) *“introduce performance contracts for principals and deputy principals, in line with Department of Basic Education policy. Use these contracts to help principals find ways to improve their performance every year, including identifying their training needs. Over time performance contracts should also be introduced for other members of school senior management teams (SMTs);*
- (ii) *replace principals who repeatedly fail to meet performance targets, based on monitoring information and interviews with school stakeholders, and*
- (iii) *use data from the performance management systems to identify areas where principals need more training.”*
- (b) In order to enhance accountability of educators, the Quality Management System (QMS) for assessing the performance of school-based educators was adopted at the Education Labour Relations Council (ELRC) in November 2014.
- (c) The agreement requires the Principal, Deputy Principal and Heads of Departments to complete and sign work-plan agreements with clear deliverables and targets with their supervisors at the beginning of each evaluation cycle.
- (d) The work plan will serve as a performance agreement that will be signed by both the principal and his/her immediate supervisor, i.e., the Circuit Manager.
- (e) Underperformance by principals as per the performance agreement should result in progressive discipline being instituted by Circuit Managers.
- (d) Data emanating from the performance measurement of principals, should be utilised to update the curriculum for principal development programmes.

#### **4. FOCUS OF THE MINISTERIAL TASK TEAM**

##### **4.1 The findings and recommendations of the MTT are twofold:**

- (a) Firstly, there are general recommendations regarding the conduct of unions and officials in relation to their lack of adherence to their roles and responsibilities as prescribed in the applicable laws and procedures. The Report of the Ministerial Task Team on the selling of posts highlights a lack of consistency and understanding of School Governing Body members regarding appointment systems and procedures. These challenges require the Department to reform laws and regulations regarding appointments in the basic education sector.

- (b) Secondly, there are allegations and specific recommendations about a number of identified individuals, who it is alleged, participated in one or other form of corruption or selling of posts. Investigations into most of these have not been concluded and an extension of the forensic part of this report has been granted. The forensic part of the whole investigation will be completed in August 2016, after which, the necessary remedial action will be instituted.

## 5. PROPOSED LEGISLATIVE AMENDMENTS AND REFORMS

- 5.1 A proposed legislative amendment, which is still in the process of being finalised, deals with a number of issues emanating from the Report of the Ministerial Task Team to review education legislation. *Inter alia*, the amendment will contain a proposal that any appointment, promotion or transfer will be the responsibility of the Heads of Provincial Education Departments, with an initial focus on promotional posts on post levels 2 to 4.
- 5.2 The amendment will furthermore propose that the Minister be empowered to make regulations to prescribe the manner in which this and employment practices in general will be carried out. This may include the composition of interviewing panels, vetting of panel members, and a number of other matters which could prevent the practices of selling of posts.

## 6. CONSULTATIONS ON THE MTT REPORT

- 6.1 The Minister of Basic Education heeded the call for rebuttals and representations to the MTT report, and declared the following strict timeframes, which were to be adhered to by all concerned –
  - (a) **01 April 2016** – the Minister favoured teacher unions with the MTT final report, with an advice for teacher unions to submit their written rebuttals to the Chairperson of the MTT on but not later than the end of business on **15 April 2016**. Teacher unions were further requested to favour the Chairperson of the MTT with details of any teacher union member, who might be implicated in the MTT report, but may have inadvertently been deprived of the benefits of the *audi alterem partem* rule. This should have been done on or not later than **15 April 2016**.
  - (b) **15-29 April 2016** – the MTT would consider the written submissions, and consider any appropriate action, when a need arises. Any teacher union, and/or school governing body association, and/or individual wishing to make representations *viva voce* to the MTT, must have done so by midday, 29 April 2016.
  - (c) **29 April - 04 May 2016** – the MTT will consider all inputs (written submissions and representations *viva voce*) and amend the MTT report to the extent necessary. In doing so, all imperatives related to administrative justice and principles of fairness will be observed.

- (d) **03 May 2016** – the Minister would meet with teacher unions that requested such meeting individually.
  - (e) **05 May 2016** – the Minister has convened a consultative meeting with teacher unions and national school governing body associations on the MTT processes and the MTT report.
  - (f) **06 May 2016** – the Minister would officially release the MTT report to the public.
- 6.2 During the consultations with education stakeholders, a request was made for the Minister to consider postponing the release of the MTT Report. Allow stakeholder, particularly teacher unions to refine their written submission and those unions that deem it fit to make verbal (viva voce) representations to the MTT, have adequate time to do so. Having consulted with the MTT, the Minister postponed the release of the MTT by twenty (20) days.